

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID O. BACA,
Plaintiff,

v.

B. JEFFERS, et al.,
Defendants.

Case No. [13-cv-02968-MEJ](#)

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO
PROSECUTE**

On April 14, 2016, the Court set this matter for a Case Management Conference on May 5, 2016, to be attended by lead trial counsel, and ordered the parties to file a Joint Case Management Statement by April 28, 2016, pursuant to Federal Rule of Civil Procedure 16(b) and Civil Local Rule 16-10. Dkt. No. 143. On April 29, 2016, Defendants filed a Separate Case Management Statement, indicating Plaintiff's counsel had not responded to meet and confer efforts. Dkt. No. 147. Neither Plaintiff nor Plaintiff's counsel appeared at the May 5, 2016 Case Management Conference, and Defendants' counsel indicated he had not been able to communicate with Plaintiff's counsel. Accordingly, on May 5, 2016, the Court ordered Plaintiff to show cause why sanctions should not be imposed for failure to comply with court orders. Dkt. No. 148. The Court ordered Plaintiff to file a responsive declaration by May 12, 2016 and scheduled a hearing on May 19, 2016. *Id.* At the same time, the Court ordered the parties to meet and confer and thereafter file a joint case management statement by May 12, 2016. *Id.* The Court directed Plaintiff's counsel to initiate the meet and confer by May 9, 2016, and directed Defendants to file a declaration if Plaintiff's counsel failed to initiate the meet and confer. *Id.* Plaintiff's counsel failed to initiate the meet and confer. *See* Dkt. No. 150 (Declaration from Rohit Kodical, Defendants' counsel). Further, Plaintiff failed to file a response to the Court's Order to Show

1 Cause, and neither Plaintiff nor his counsel appeared at the May 19, 2016 Order to Show Cause
2 hearing.

3 Based on this procedural background, the Court finds dismissal for failure to prosecute
4 may be appropriate. Accordingly, the Court hereby ORDERS Plaintiff David O. Baca to show
5 cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for
6 failure to prosecute and failure to comply with court orders. Plaintiff shall file a declaration by
7 June 2, 2016. If a responsive declaration is filed, the Court shall either issue an order based on the
8 declaration or conduct a hearing on June 9, 2016 at 10:00 a.m. in Courtroom B, 15th Floor, 450
9 Golden Gate Avenue, San Francisco, California. Notice is hereby provided that failure to file a
10 written response will be deemed an admission that Plaintiff does not intend to prosecute, and the
11 case will be dismissed without prejudice. Thus, it is imperative that the Court receive a written
12 response by the deadline above.

13 **IT IS SO ORDERED.**

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15 Dated: May 19, 2016

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18 MARIA-ELENA JAMES
19 United States Magistrate Judge
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